IMT Nuremberg Archives

H – 1236

International Court of Justice

H1236 – 0001

H1236 – 0002

INTERNATIONAL
MILITARY TRIBUNAL

TRIAL BRIEF
AGAINST
THE DEFENDANT

MARTIN BORMANN

ROBERT H. JACKSON
U. S. CHIEF OF COUNSEL

OF COUNSEL: KARL E. LACHMANN
ATTORNEY

Prepared by:
Office U. S. Chief of Counsel
Section V
Dr. R. M. W. Kempner, Chief

H1236 - 0003

I N D E X

I. TOPICAL INDEX — PAGE NO.

A. Section of the Indictment 1

B. Legal References 2

C. Statement of Evidence 3-18

I – Positions Held 3

II – Promotion of the Accession to Power of the Nazi Conspirators, Establishment of Totalitarian Control over Germany and Preparation for War 4-7

III – Discrimination and Persecution 8-13

(a) Persecution of the Churches 8-11

(b) Persecution of the Jews 11-13

IV – War Crimes 14-16

V – Crimes Against Humanity 17-18

D. Argument and Conclusion 19-20

II. DOCUMENTS

A. Numerical

D-75: Bormann Decree of 1 June 1941 on "Relationship of National Socialism and Christianity" (quoted on page 34 of official Court transcript for the afternoon session of 22 November 1945) 8

D-138: Decree of 27 July 1934 providing for the participation of the Führer's Deputy in the drafting of all legislation 6

D-163: Bormann instructions 5 November 1941, prohibiting decent burials with religious ceremonies for Russian Prisoners of War 15

D-226: Speer circular of 10 November 1944 distributing Himmler's instructions according to which the Party and Gestapo must cooperate in obtaining a larger output of work from the millions of foreign workers in the Reich 17

L-172: Jodl speech of 7 November 1943 (U. S. A.-34) 16

L-221: Bormann Report on Conference of 16 July 1941, re: Treatment of Eastern populations and territories 14

H1236 - 0004

PAGE NO.

025-PS: Conference report of 4 September 1943 stating that recruiting, mobilization, and treatment of 500,000 female domestic workers from the East will be handled exclusively by Sauckel, Himmler, and Bormann. 17

057-PS: Bormann Circular of 30 May 1944. . . .16

058-PS: Hitler Order of 30 September 1944. 15

061-PS: Secret Bormann letter, 11 January 1944, Re: large-scale organization for the withdrawal of commodities from occupied territories for the use of the bombed-out population in Germany. 15

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066-PS: Bormann letter to Rosenberg 24 June 1940 submitting draft for discriminatory church law for Danzig and West Prussia. 10

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H1236 - 0005

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H1236 - 0006

PAGE NO.

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PAGE NO.

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841-PS: Secret Order of Goering dated 28 December 1938. 12

1395-PS: Law to Secure the Unity of Party and State, 1 December 1933 (RGBl, 1933, Part I, p. 1016) making the Deputy of the Fuehrer a member of the Cabinet, and ordering all government agencies to "lend legal and administrative assistance to the Party agencies.". . . . 5

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1422-PS: Thirteenth Ordnance under Reich Citizen Law of 1 July 1943 (RGBl, 1943, Part I, p. 372) signed by Bormann under which Jews are completely withdrawn from the ordinary courts and handed over to the exclusive jurisdiction of Himmler's police. 13

1520-PS: Minutes of Conference on Eastern Territories between Hitler, Rosenberg, Lammers and Bormann, 8 May 1942, concerning inter alia the suppression of religious freedom, the forceable resettlement of Dutch peasants in Latvia, the extermination program in Russia, and the economic exploitation of Eastern Territories. 14

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H1236 - 0007

PAGE NO.

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2981-PS: Der Grossdeutsche Reichstag (The Greater German Reichstag) 1943, p. 167 . . . . . .3, 4, 14

3018-PS: Hitler Decree of 18 October 1944 (in: Voelkischer Beobachter (South German Edition) 20 October 1944, p. 1. . . . . 3, 16

3085-PS: Himmler's Ordnance of 3 July 1943 charging Gestapo with execution of Thirteenth Ordnance under Reich Citizen Law (Ministerial Blatt des Reichs- und Preussischen Ministeriums des Innern) (Ministry of Interior Gazette), 1943, p. 1085. 13

3180-PS: Decree of 24 September 1935 (RGBl, 1935, Part I, p. 1203) providing for the participation of the Fuehrer's Deputy in the appointment of Reich and State civil servants. 6

H1236 - 0008

PAGE NO.

3201-PS: Chart showing the Staff of the Fuehrer's Deputy, from:Organisationsbuch der N.S.D.A.P. (Organization Book of the N.S.D.A.P.) (4th Edition, 1937) p. 151). 5

3234-PS: Das Archiv, July 1940, p. 399. 3

3235-PS: Das Archiv, December 1942, p. 805. . 7

3236-PS: Der Deutsche Reichstag (The German Reichstag) 1936, p. 113. . . . 5

3237-PS: Bormann Order of 14 February 1935, demanding that all Party officers assist the SD in its work described as "benefiting principally the Party" (in: "Anordnungen des Stellvertreters des Fuehrers" (Decrees of the Fuehrer's Deputy) Central Publishing House of the N.S.D.A.P. 1937, p. 257) 6

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3241-PS: Eleventh Ordnance under Reich Citizen Law of 25 November 1941 (RGBl, p. 722) signed by Bormann, which decreed the confiscation of the property of all Jews who had left Germany voluntarily or who had been deported. 12

3242-PS: N. S. Jahrbuch (N.S. Yearbook) (1944), p. 181-182. 7

3243-PS: Bormann Order of 23 October 1942 announcing Ministry of Foods decree, issued at his instigation, depriving Jews of many essential food items, and of all special sickness and pregnancy rations, and ordering the confiscation of food parcels. (in: Decrees, Orders, Announcements, Vol. II, p. 147). 12

H1236 - 0009

H1236 - 0010

3244-PS: Bormann Order of 9 October 1942, declaring that the problem of eliminating forever the millions of Jews from Greater German Territory could no longer be solved by emigration but only by the application of "ruthless force" in special camps in the East (Ibid, Vol. II, p. 131). 12

3246-PS: Bormann Order of 7 January 1936 (in: Decrees of the Fuehrer's Deputy, p. 235). 11

3249-PS: Affidavit of Dr. Frank Blaha, 24 November 1945, Item No. 7. 11

3354-PS: Decree of 31 May 1941 (RGBl, 1941, Part I, p. 297) extending Nurnberg Laws to the Annexed Eastern Territories. 12

3355-PS: Affidavit of Robert M. W. Kempner, dated 8 December 1945. 4

R-36: Official Memorandum, Ministry for the Eastern Territories, dated 19 August 1942. 17

R-139: Correspondence from office of Fuehrer's Deputy showing Bormann's demands that non-German populations of occupied territories be subjected to special discriminatory legal regime. 18

B. Types

1. Affidavits

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H1236 – 0011

PAGE NO.

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H1236 - 0012

PAGE NO.

131-PS: Bormann letter to Rosenberg of 12 December 1939 agreeing with the suggestion that the University Chairs belonging to the Divinity School in the University of Munich be used for instructors at the Nazi Academy (Hohe Schule). . . .9

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3. Laws, Decrees, and Enactments

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H1236 - 0013

PAGE NO.

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4. Official Government Regulations and Orders

D-226: Speer circular of 10 November 1944 distributing Himmler's instructions according to which the Party and Gestapo must cooperate in obtaining a larger output of work from the millions of foreign workers in the Reich. 17

058-PS: Hitler Order of 30 September 1944 15

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5. Party Orders and Directives

D-75: Bormann Decree of 1 June 1941 on "Relationship of National Socialism and Christianity" (quoted on page 34 of official Court transcript for the afternoon session of 22 November 1945). 8

H1236 - 0014

D-163: Bormann instructions 5 November 1941, prohibiting decent burials with religious ceremonies for Russian Prisoners of War. 15

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H1236 – 0015

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3246-PS: Bormann Order of 7 January 1936 (in: Decrees of the Fuehrer's Deputy, p. 235). 11

H1236 - 0016

PAGE NO.

6. Interrogations of Defendants

None

7. Military Orders

None

8. Photographs, Moving Pictures, Charts and Other Visual Aids.

3201-PS: Chart showing the Staff of the Fuehrer's Deputy, from: Organisationsbuch der N.S.D.A.P. (Organization Book of the N.S.D.A.P.) (4th Edition, 1937 p. 151) 5

9. Publications

2981-PS: Der Grossdeutsche Reichstag (The Greater German Reichstag) 1943, p. 167. . . . . 3, 4, 14

3018-PS: Hitler Decree of 18 October 1944 (in: Voelkischer Beobachter (South German Edition) 20 October 1944, p. 1). 3, 16

3234-PS: Das Archiv, July 1940, p. 399. . . . 3

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H1236 - 0017

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2561-PS: Military Commission Order No. 3, Hq. Third U. S. Army, 4 October 1945. 16

A-36: Official Memorandum, Ministry for the Eastern Territories, dated 19 August 1942. 17

C. List of Individual Defendants Involved.

1. Wilhelm Frick. 11

2. Hermann Goering. 11, 12, 14

H1236 - 0018

PAGE NO.

3. Rudolf Hess. 4, 5, 6, 12, 15, 16, 19

4. Alfred Jodl. 16

5. Wilhelm Keitel. 14

6. Alfred Rosenberg. 8, 9, 10, 14, 15, 17

7. Fritz Sauckel. 17

8. Baldur von Schirach 12

9. Albert Speer. 17

D. List of Criminal Organizations Involved.

1. Gestapo. 6, 10, 12, 13, 17

2. High Command. 10, 15

3. Reich Cabinet. 5, 6, 7, 14, 19

4. SS (including the SD). 6, 10, 12, 15, 17

H1236 - 0019

BORMANN:

The defendant BORMANN between 1925 and 1945 was: a member of the Nazi Party, member of the Reichstag, a member of the Staff of the Supreme Command of the SA, founder and head of "Hilfskasse der NSDAP", Reichsleiter, Chief of Staff Office of the Führer's Deputy, head of the Party Chancery, Secretary of the Führer, member of the Council of Ministers for the Defence of the Reich, organizer and head of the Volkssturm, a General in the SS and a General in the SA. The defendant BORMANN used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

H1236 - 0020

I. JURISDICTION AND GENERAL PRINCIPLES

Article 6. The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility

(a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

H1236 - 0021

STATEMENT OF EVIDENCE

I. POSITIONS HELD

a. Between 1925 and 1945 defendant Bormann held the following positions as charged in the Indictment:

1. Member of the Nazi Party 1925-1945.

2. Member of the Reichstag, November 1933-1945.

3. Member of the Staff of the Supreme Command of the SA, 15 November 1928 to August 1930.

4. Founder and head of "Hilfskasse der NSDAP", August 1930 to July 1933.

5. Reichsleiter, July 1933-1945.

6. Chief of Staff, Office of the Fuehrer's Deputy, July 1933 to May 1941.

7. Head of the Party Chancery, 12 May 1941-1945.

8. Secretary of the Fuehrer, 12 April 1943-1945.

2981-PS: Der Grossdeutsche Reichstag (The Greater German Reichstag) 1943, p. 167

9. Member of the Council of Ministers for the Defense of the Reich, 29 May 1942-1945.

2099-PS: Decree of 29 May 1941 (RGBl, 1941, Part I, p. 295)

10. Political and organizational head of the Volkssturm.

3018-PS: Voelkischer Beobachter (South German Edition) 20 October 1944, p. 1

11. General in the SS.

3234-PS: Das Archiv, July 1940, p. 399

b. During this period defendant Bormann also held the following position:

12. Member of the Reich Cabinet, 29 May 1941 to 1945.

2099-PS: Decree of 29 May 1941, (RGBl, 1941, Part I, p. 295)

H1236 - 0022

II. PROMOTION OF THE ACCESSION TO POWER OF THE NAZI CONSPIRATORS, ESTABLISHMENT OF TOTALITARIAN CONTROL OVER GERMANY, AND PREPARATION FOR WAR. (COUNT ONE)

Within the conspiracy the defendant Martin Bormann had the managerial task of operating the Nazi Party as a center of control for the benefit of the conspirators. First as the executive chief of the Nazi Party under defendant Hess, and since 1941 himself the head of the Party, subject only to Hitler's supreme authority, Bormann was a key member of the Nazi Conspiracy. The Party constituted the most powerful instrument of public control at the disposal of the Conspirators. Through the Party and its effective operation the Conspirators were able to gain and retain power in Germany. Through it they imposed their will on the German nation and obtained its unconditional support for their aggressive wars. Defendant Bormann thus is responsible for the multiple crimes which the German people committed under the orders of the Conspirators and their Party.

Defendant Bormann began his conspiratorial activities more than 20 years ago. In 1922, only 22 years old, he joined the Organization Rossbach, one of the armed illegal groups which developed the militaristic and aggressive traditions of the German Army and established a regime of terror against the small pacifist minority in Germany. While he was District Leader of the Organization for Mecklenburg, he was arrested and tried for his part in a political terror assassination. On 15 May 1924 he was found guilty by the State Tribunal for the Protection of the Republic and sentenced to one year in prison.

2981-PS: The Greater German Reichstag (1943) p. 167

3355-PS: Affidavit of Robert M. W. Kempner, dated 8 December 1945.

Upon his release from jail in 1925, defendant Bormann again took up his subversive activities: First, he joined the Militarist Organization Frontbann. Then, in the same year, he became a member of the reconstituted Nazi Party. Here, he began his rise to one of the most influential positions in the Conspiracy. In 1927 he became Press Chief for the Party Gau of Thuringia; on 1 April 1928 he was made a District Leader in Thuringia, and Business Manager for the entire Gau.

From 15 November 1928 to August 1930 he was on the Staff of the Supreme Command of the SA. Thus he participated decisively in the development of these uniformed shock troops with which the Conspirators terrorized and destroyed their opposition inside Germany.

See: Brief on "The SA", p. 11-19.

In August 1930 defendant Bormann organized the Aid Fund (Hilfskasse) of the Nazi Party of which he became the head. Through this Fund he collected large sums for the Party Treasury, allegedly for the purpose of aiding families of Party members who had been killed or imprisoned while "fighting" for the party.

3236-PS: Der Deutsche Reichstag (The German Reichstag) 1936, p. 113.

On 30 January 1933 the Conspirators and their Party took over the government of Germany. Shortly thereafter, in July 1933, defendant Bormann was given the number-three post in the Party Organization, that of Chief of Staff to Rudolf Hess, then Hitler's Deputy. At the same time he was made a member of the Party Directorate (Reichsleiter). In November 1933, he was made a member of the Reichstag..

3236-PS: The German Reichstag, 1936, p. 113.

As defendant Hess' Chief of Staff, defendant Bormann was responsible for channeling to him the demands of the Party in all the fields of government action; these demands were then imposed by defendant Hess, through his participation in Cabinet meetings, on legislation, public administration, and appointments.

3201-PS: Chart showing the Staff of the Fuehrer's Deputy, from: Organisationsbuch der NSDAP (Organization Book of the NSDAP) (4th Edition, 1937) p. 151.

1395-PS: Law to Secure the Unity of Party and State, 1 December 1933 (RGBl, 1933, P. I, p. 1016) making the Deputy of the Fuehrer a member of the Cabinet, and ordering all government agencies to "lend legal and administrative assistance to the Party agencies".

H1236 - 0023

2001-PS: Law to Relieve the Emergency Affecting Nation and Reich, 24 March 1933, (RGBl, 1933, P. I, p. 141) granting the Cabinet full legislative powers.

D-138: Decree of 27 July 1934 providing for the participation of the Fuehrer's Deputy in the drafting of all legislation.

3180-PS: Decree of 24 September 1935 (RGBl, p. 1203) providing for the participation of the Fuehrer's Deputy in the appointment of Reich and State Civil Servants.

Defendant Bormann also used the Party in order to strengthen the hold of the Gestapo and the SD over the German people.

3237-PS: Bormann Order of 14 February 1935, demanding that all Party officers assist the SD in its work described as "benefiting principally the Party" (in: "Anordnungen des Stellvertreters des Fuehrers" (Decrees of the Fuehrer's Deputy), Central Publishing House of the NSDAP 1937) p. 257.

3239-PS: Bormann Order of 3 September 1935 calling on Party agencies to hand persons who criticize the Nazi Party or institutions over to Gestapo (in: Ibid, page 190)

1723-PS: Order of Party Chancery, 14 December 1938, demanding closest cooperation between Party agencies and Gestapo (in: Verfuegungen, Anordnungen, Bekanntmachungen, (Decrees, Orders, Announcements, edited by the Party Chancery; Central Publishing House of the NSDAP) Vol. II, p. 430)

After the flight to Scotland of defendant Hess on 10 May 1941, defendant Bormann succeeded him as head of the Party under Hitler, with the title of Chief of the Party Chancery. In that position he took over all offices and powers formerly held by defendant Hess, especially his membership in the Cabinet and on the Ministers' Council for the Defense of the Reich.

2099-PS: Decree of 29 May 1941 (RGBl, 1941, P. I, p. 295)

H1236 - 0024

Only 8 months later, Hitler issued another Decree which extended Bormann's powers even beyond those which had been granted to Hess. By that Decree the Defendant was given extensive control over the preparation of all laws and directives of the Cabinet, the Fuehrer, and the Ministers' Council for the Defense of the Reich, and over the appointment of all public officials (the latter, in Germany, includes judges and university teachers).

3100-PS: Decree of 24 January 1942 (RGBl, 1942, P. I, p. 35).

Under this legislation defendant Bormann must be held at least jointly responsible for every law and order issued in Germany after 24 January 1942 under which the Conspirators committed the various War Crimes and Crimes against Humanity charged in Counts Three and Four of the Indictment.

This decisive participation of the defendant Bormann and the Party agencies under his direct control in the day-to-day administration of the German war program was buttressed by the Order of the Ministers' Council for the Defense of the Reich, dated 1 December 1942, under which all Party Gau Leaders were appointed Reich Defense Commissioners and all Gaus became Reich Defense Districts.

3235-PS: Das Archiv, December 1942, p. 805.

Under this Order the Gau leaders, who were Party functionaries under the orders of defendant Bormann, became the Chief Administrators of the entire civilian war effort, not only in Germany proper but also in all incorporated territories.

This development constituted the culmination of the integration of Party and State which had begun almost ten years earlier. From then on, the Party, through defendant Bormann, became a decisive factor in the initiation and execution of all German war policies, after having been charged in the preceding years with much of the political and pre-military preparation of the German people for the aggressive wars of the Conspirators.

3242-PS: N.S. Jahrbuch (N.S. Yearbook) (1944), p. 181-182.

See: Brief on Defendant Hess, Parts III and V.

H1236 - 0025

H1236 - 0026

III. DISCRIMINATION AND PERSECUTION

(COUNT I, IV (D) 3 (c) (2) AND (d))

Defendant Bormann participated actively in the execution of that part of the conspirators' program relating to the persecution and destruction of independent groups which were opposed to the aims of the Conspiracy.

(a) Persecution of the Churches.

Defendant Bormann was among the most relentless members of the conspirators in the persecution of the churches. In a secret Order of 6 June 1941 the defendant stated bluntly the aim of the conspirators: Destroy Christianity altogether:

> "National Socialist and Christian concepts are irreconcilable... No human being would know anything of Christianity if it had not been drilled into him in his childhood by pastors. The so-called dear God in no wise gives knowledge of his existence to young people in advance, but in an astonishing manner in spite of his omnipotence leaves this to the efforts of the pastors. If, therefore, in the future our youth learns nothing more of this Christianity whose doctrines are far below ours, Christianity will disappear by itself."

D-75: Bormann Decree of 1 June 1941 on "Relationship of National Socialism and Christianity" (quoted on page 34 of official Court transcript for the afternoon session of 22 November 1945).

098-PS: Letter from Bormann to Rosenberg dated 22 February 1940 holding National-Socialism and Christianity to be irreconcilable.

In pursuance of this aim, defendant Bormann's first efforts in the Conspiracy's fight against religion were directed toward the elimination of churchmen and church influence from the Party itself.

113-PS: Bormann Order of 3 July 1938, prohibiting clergymen from holding Party offices.

838-PS: Bormann Circular of 3 June 1939 on the exclusion of Christian Scientists from Party membership.

840-PS: Bormann Decrees of 9 February 1937 and 14 July 1939 excluding clergymen and theology students from membership in the Nazi Party.

107-PS: Bormann Directive of 17 June 1938, prohibiting all religious activities by members of the Labor Service.

Defendant Bormann also opposed religious instruction in the schools.

070-PS: Letter from Bormann's office to Rosenberg, 25 April 1941, reporting success in reducing the holding of religious morning services in schools and proposing the substitution of National Socialist school services.

In order further to weaken the churches, defendant Bormann enforced the elimination of numerous Catholic and Protestant Divinity Schools in Germany and Austria.

116-PS: Bormann letter to Minister of Education, dated 24 January 1939, denying the scientific value of theological instruction and suggesting a legal basis for the suppression and restriction of Divinity Schools.

122-PS: Report of Ministry of Education dated 6 April 1939, concerning the suppression and consolidation of Divinity Schools.

123-PS: Confidential letter from Bormann to Minister of Education, dated 23 June 1939, in reply to memorandum of 6 April 1939 (122-PS), reporting the Party's decision to order the suppression of numerous Divinity Schools.

131-PS: Bormann letter to Rosenberg of 12 December 1939 agreeing with the suggestion that the University Chairs belonging to the Divinity School in the University of Munich be used for instructors at the Nazi Academy (Hohe Schule).

Defendant Bormann also used his power and position in order to demand that other government departments deprive the churches of their property and subject them to a discriminatory legal regime.

099-PS: Bormann letter to Reich Minister of Finance, January 1940, demanding that church assessments for special war tax be greatly increased.

089-PS: Bormann letter to Amann, 8 March 1940, demanding reduction in paper allotment of church publications.

H1236 - 0027

H1236 - 0028

066-PS: Bormann letter to Rosenberg 24 June 1940 submitting draft for discriminatory church law for Danzig and West Prussia.

1600-PS: Bormann correspondence 1940-1941 concerning confiscation of religious art treasures.

Finally, as the war took an increasing part of Germany's youth into the Armed Forces, defendant Bormann insisted that soldiers be removed from all religious influence.

117-PS: Bormann letter to Army High Command, January 1939, opposing the establishment of an Army Corps of Chaplains.

101-PS: Bormann letter to Rosenberg, 17 January 1940, suggesting the publication of special Nazi literature for members of the Wehrmacht in order to replace religious literature which the writer had as yet been unable to suppress completely.

100-PS: Bormann letter to Rosenberg, 18 January 1940, stating that the publication of Nazi literature for Army recruits as a countermeasure to the circulation of religious writings was "the most essential demand of the hour".

When the prosecution of this anti-Church program was turned over to the RSHA under Himmler, the "Church Specialists" of that organization received clear instructions as to the aims which the Conspirators wanted them to achieve, at a meeting of the "Church Specialists" called for that purpose on 26 September 1941:

> "The immediate aim: the church must not regain one inch of the ground it has lost".
>
> "The ultimate aim: destruction of the churches to be brought about by the collection of all material obtained through Nachrichtendienst activities, which will, at a given time, be produced as evidence for the charge of treasonable activities during the German fight for existence".

1815-PS: Documents on RSHA meeting re "The Study and Treatment of Church Politics".

Five years earlier, defendant Bormann had already issued an order to all Party members demanding that they turn priests who criticized the Party over to the Gestapo.

H1236 - 0029

3246-PS: Bormann Order of 7 January 1936 (in: Decrees of the Fuehrer's Deputy, p. 235)

He thus bears his full share for the vicious mistreatment of priests in concentration camps throughout these years.

3249-PS: Affidavit of Dr. Frank Blaha, 24 November 1945, Item No. 7.

See: Brief on "Suppression of the Christian Churches in Germany."

(b) Persecution of the Jews.

It was defendant Bormann who was charged by Hitler with the transmission and implementation of the latter's instructions for the "liquidation" of the Jewish population in Germany.

After the pogrom of 8 - 9 November 1938 defendant Bormann, acting on orders of Hitler, instructed the defendant Goering to proceed to the "final settlement of the Jewish question" in Germany.

1816-PS: Minutes of Conference on Confiscation of Jewish Property 12 November 1938, page 1.

As a result of this conference a series of anti-Jewish decrees were issued.

069-PS: Bormann Order of 17 January 1939 demanding compliance with new regulations under which Jews were denied access to housing, travel, and other facilities.

1663-PS: Decree of 12 November 1938 (RGBl, 1938, Part I, p. 1580) excluding Jews from a large sector of the economy.

1409-PS: Decree of 3 December 1938 (RGBl, 1938, Part I, p. 1709) ordering the forced sale or liquidation of Jewish-owned industrial enterprises.

Defendant Bormann also acted through other government agencies to wipe out the economic existence of a large part of the Jewish population.

3240-PS: Bormann Order of 8 January 1937, communicating Order of defendant Frick, issued at his instigation, that government employees who consult Jewish doctors, lawyers, etc., will be denied financial assistance (in: Decrees of the Fuehrer's Deputy, p. 383).

H1236 – 0030

In addition to these purely economic measures defendant Bormann, again acting on instructions from Hitler, caused the defendant Goering to issue a Secret Order severely restricting the living conditions of Jews in Germany.

841-PS: Secret Order of Goering dated 28 December 1938.

After the outbreak of the war these anti-Jewish measures increased in intensity and brutality. Thus, defendant Bormann participated in the issuance of rulings under which 60,000 Jewish inhabitants of Vienna were deported to the Government General of Poland, in cooperation with the SS and the Gestapo.

1950-PS: Secret letter from Lammers to defendant von Schirach, dated 3 December 1940.

After defendant Bormann succeeded the defendant Hess as the executive head of the Party, he was one of the prime movers in the campaign of total spoliation, starvation, and extermination of the Jews living under the rule of the Conspirators.

3354-PS: Decree of 31 May 1941 (RGBl, 1941, Part I, p. 297) extending Nurnberg Laws to the Annexed Eastern Territories.

3241-PS: Eleventh Ordnance under Reich Citizen Law of 25 November 1941 (RGBl, 1941, Part I, p. 722) signed by Bormann, which decreed the confiscation of the property of all Jews who had left Germany voluntarily or who had been deported.

3243-PS: Bormann Order of 23 October 1942 announcing Ministry of Foods decree, issued at his instigation, depriving Jews of many essential food items, and of all special sickness and pregnancy rations, and ordering the confiscation of food parcels. (in: Decrees, Orders, Announcements, Vol. II, p. 147).

3244-PS: Bormann Order of 9 October 1942, declaring that the problem of eliminating forever the millions of Jews from Greater German territory could no longer be solved by emigration but only by the application of "ruthless force" in special camps in the East (Ibid, Vol. II, p. 131).

H1236 - 0031

1422-PS: Thirteenth Ordnance under Reich Citizen Law of 1 July 1943 (RGBl, 1943, Part I, p. 372) signed by Bormann under which Jews are completely withdrawn from the ordinary courts and handed over to the exclusive jurisdiction of Himmler's police.

3085-PS: Himmler's Ordnance of 3 July 1943 charging Gestapo with execution of Thirteenth Ordnance under Reich Citizen Law (Ministerial Blatt des Reichs und Preussischen Ministeriums des Innern (Ministry of Interior Gazette), 1943, p. 1085)

H1236 - 0032

IV. WAR CRIMES

(COUNT THREE)

Defendant Bormann's broad powers over all political aspects of the war as a member of the Reich Cabinet and the Ministers' Council for the Defense of the Reich, and as executive head of the Party were buttressed by the creation of the post of Secretary of the Fuehrer to which he was appointed on 12 April 1943.

2981-PS: The Greater German Reichstag, 1943, p. 167.

In that position the defendant participated in all of Hitler's conferences and became involved in the many War Crimes of his co-conspirators.

Even before that date, however, the defendant took part in planning the basic war policies of the Conspiracy. Thus, on 16 July 1941, just three weeks after the invasion of USSR Territory, defendant Bormann participated in a conference at Hitler's field headquarters with defendants Goering, Rosenberg, and Keitel and with Reich Minister Lammers. This conference resulted in the adoption of detailed plans for the enslavement, depopulation, and annexation of extensive territories in Russia and other countries of Eastern Europe. In his report on this conference, defendant Bormann included numerous suggestions of his own for the effective execution of these plans.

L-221: Bormann Report on Conference of 16 July 1941, re: Treatment of Eastern populations and territories.

During subsequent years, the defendant took a prominent part in the implementation of this conspiratorial program.

1520-PS: Minutes of Conference on Eastern Territories between Hitler, Rosenberg, Lammers and Bormann, 8 May 1942, concerning inter alia the suppression of religious freedom, the forceable resettlement of Dutch peasants in Latvia, the extermination program in Russia, and the economic exploitation of Eastern Territories.

072-PS: Bormann letter to Rosenberg, 19 April 1941, concerning the confiscation of property, especially art treasures, in the East.

071-PS: Rosenberg letter to Bormann dated 23 April 1941, replying to 072-PS.

H1236 - 0033

061-PS: Secret Bormann letter, 11 January 1944, Re: large-scale organization for the withdrawal of commodities from occupied territories for the use of the bombed-out population in Germany.

327-PS: Rosenberg letter to Bormann, 17 October 1944, discussing the cooperation of Party agencies in the operation and liquidation of Rosenberg's extensive organizations for the spoliation of Eastern Occupied Territories.

At the same time, defendant Bormann issued a series of Orders establishing Party jurisdiction over the treatment of Prisoners of War, especially when employed as forced labor. In the exercise of that jurisdiction, he called for excessively harsh and brutal treatment of Allied Prisoners of War.

232-PS: Bormann Order of 13 September 1944 establishing Party jurisdiction over the use of Prisoners of War for forced labor.

D-163: Bormann instructions 5 November 1941, prohibiting decent burials with religious ceremonies for Russian Prisoners of War.

228-PS: Bormann Circular, 25 November 1943, demanding harsher treatment of Prisoners of War and the fuller utilization of their man-power.

656-PS: Secret Bormann circular transmitting OKH instructions of 29 January 1943, providing for the enforcement of labor demands on Prisoners of War through the use of fire-arms and corporal punishment.

These instructions issued by defendant Bormann culminated in the decree of September 30, 1944 which he signed. This decree took jurisdiction over all Prisoners of War out of the hands of the OKW, handed them over to the control of Himmler, and provided that all Prisoner of War Camp Commanders should be under the orders of the local SS Commanders.

058-PS: Hitler Order of 30 September 1944.

Through this order, Himmler was enabled to proceed with his program of extermination of Prisoners of War.

See ___: Brief on "Crimes against Military Personnel".

Defendant Bormann also bears part of the responsibility for the organized lynching of Allied airmen. As early as March 1940, defendant Hess had ordered all Party leaders to instruct the civilian population

H1236 - 0034

to "arrest or liquidate" all bailed-out allied fliers.

062-PS: Top Secret Hess Directive of 13 March 1940.

In order to assure the success of this scheme the defendant issued a secret Circular prohibiting any police measures or criminal proceedings against civilians who had lynched British or American fliers.

057-PS: Bormann Circular of 30 May 1944.

For the execution of these decrees regulations were issued to cover the systematic application of Lynch Law against captured Allied airmen.

735-PS: Minutes of Meeting on 6 June 1944, to fix the cases in which the application of Lynch Law against allied airmen would be justified.

That such lynchings actually took place has since been fully established in a series of American Military Commission proceedings, which resulted in the conviction of German civilians for the murder of Allied fliers.

2559-PS: Military Commission Order No. 2, Hq. Fifteenth U.S. Army, 25 June 1945.

2560-PS: Military Commission Order, No. 5, Hq. Third U.S. Army and Eastern Military District, 18 October 1945.

2561-PS: Military Commission Order No. 3, Hq. Third U.S. Army, 4 October 1945.

Finally, defendant Bormann came forward as one of the most fanatical supporters of a last-ditch stand in the face of overwhelming odds against a German victory. Thus, on 7 November 1943 he called together the entire Party Directorate (Reichsleiter) and all Gau Leaders, that is, Germany's political war-administrators, in order to listen to a violent anti-surrender speech by defendant Jodl.

L-172: Jodl speech of 7 November 1943 (U.S.A. 34)

On 20 October 1944, when defeat had become certain, defendant Bormann assumed the political and organizational command of the newly-formed Volkssturm (Peoples' Army).

3018-PS: Hitler Decree of 18 October 1944 (in: Voelkischer Beobachter (South German Edition) 20 October 1944, p. 1).

Thus, the defendant was directly responsible for much of the hopeless German resistance which prolonged the war by months.

H1236 - 0035

V. CRIMES AGAINST HUMANITY

(COUNT IV)

Defendant Bormann played an important role in the administration of the forced labor program.

D-226: Speer circular of 10 November 1944 distributing Himmler's instructions according to which the Party and Gestapo must cooperate in obtaining a larger output of work from the millions of foreign workers in the Reich.

205-PS: Bormann Circular of 5 May 1943 containing detailed directions as to the treatment of foreign workers, stating especially that they were subject to SS control for all security matters and that differentiation between them and Germans was all-important.

025-PS: Conference report of 4 September 1942 stating that recruiting, mobilization, and treatment of 500,000 female domestic workers from the East would be handled exclusively by Sauckel, Himmler, and Bormann.

Defendant Bormann also imposed his views on the administration of the occupied areas and insisted on the ruthless exploitation of the subjected populations in the East. His views were stated as follows in an official memorandum of the Ministry for the Eastern Territories, headed by defendant Rosenberg, in which they were described as governing actual administrative practice in the East:

> "The Slavs are to work for us. In so far as we don't need them, they may die. Therefore compulsory vaccination and German health services are superfluous. The fertility of the Slavs is undesirable. They may use contraceptives or practice abortion, the more the better. Education is dangerous. It is enough if they can count up to 100. At best an education which produces useful stooges for us is admissible. Every educated person is a future enemy. Religion we leave to them as a means of diversion. As for food they won't get any more than is necessary. We are the masters, we come first."

R-36: Official memorandum, Ministry for the Eastern Territories, dated 19 August 1942.

705-PS: Secret conference of 12 January 1943 referring to Bormann's order of 12 August 1942 under which all Party agencies are placed at Himmler's disposal for the latter's program of forced resettlement and denationalization of occupied populations.

H1236 - 0036

R-139: Correspondence from Office of Fuehrer's Deputy showing Bormann's demands that non-German populations of occupied territories be subjected to special discriminatory legal regime.

654-PS: Conference report of 18 November 1942 embodying agreement between Thierack and Himmler entered at Bormann's suggestion under which all Eastern populations are subjected to brutal police regime, and under which all disputes between the parties to the agreement are to be settled by Bormann.(USA 218)

Because he issued these Orders defendant Bormann bears a large share in the responsibility for the extermination of millions of people in the Eastern occupied areas.

H1236 - 0037

Defendant Martin Bormann, only 45 years old at the time of Germany's defeat, devoted his entire adult life to the Nazi Conspiracy. When he joined the Nazi Party at the age of 25 he had already been active for several years in conspiratorial and terroristic organizations working secretly to prepare Germany for war, and had spent one year in jail for his participation in a political murder.

Defendant Bormann's important contribution to the Conspiracy remained throughout in the sphere of the Nazi Party. First, as Chief of Staff to defendant Hess, the Fuehrer's Deputy, then as Head of the Party Chancery, he managed the entire organization of the Party in the service of the Conspiracy. He was responsible for channelling the Party's demands concerning legislation, education, civil service and all other fields of public and private life to defendant Hess, who was a member of the Reich Cabinet, then Germany's legislative, administrative and judicial organ. Thus, defendant Bormann advanced the realization of the Party's conspiratorial program through the control of his co-conspirators over the German government machinery. He used this power for various criminal purposes among them for the persecution of the independent churches, demanding their complete elimination from German life on the ground that Christianity and National Socialism were irreconcilable.

After having acceded in 1941 to the highest position in the Nazi Party, directly under Hitler, defendant Bormann exercised the broadest influence in the direction of Germany's aggressive wars. Here he acted in two capacities:

(1) As executive head of the Party he commanded the Party Gauleaders who as District Defense Commissioners controlled all civilian and political war activities in German and the annexed territories. In that position he became responsible for the multiple war crimes committed by the German civilian population, especially the lynching of allied flying personnel, and the cruel mistreatment of forced laborers.

(2) As Secretary to the Fuehrer, defendant Bormann took an active part in the policy-making conferences and discussions of Hitler and his political and military staffs.

H1236 – 0038

Here, the defendant became jointly responsible for the illegal annexation of Allied territories, the enslavement and spoliation of the civilian population in occupied countries, and the planned persecution and extermination of the populations in Eastern territories especially the Jews.

As Germany's defeat became increasingly certain, it was defendant Bormann who called for fanatical last-ditch resistance, and finally took over the political and organizational direction of the Volkssturm whose senseless resistance prolonged the ravages of war for many months.

In the last days of the war, defendant Bormann escaped from Berlin and went into hiding in order to escape the consequences of his crimes. His responsibility for these crimes, however, is clear. The record establishes his guilt.

Filed Jan. 9, 1946
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INTERNATIONAL MILITARY TRIBUNAL

JJ

H-1236

Bormann, Martin

TRIAL BRIEF

AGAINST

THE DEFENDANT

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U. S. CHIEF OF COUNSEL

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H1236-0039